

## “SAVE ACT” SECTION-BY-SECTION

*Rep. Chip Roy (TX-21)*

**SEC. 1: Short Title.** This Act may be cited as the “Safeguard American Voter Eligibility Act” or the “SAVE Act”.

**SEC. 2: Ensuring Only Citizens Are Registered To Vote In Elections For Federal Office.** *Amends the National Voter Registration Act (NVRA) to require States to obtain documentary proof of citizenship to register an individual to vote in an election for Federal office.*

**(a) Definition Of Documentary Proof Of United States Citizenship.** *Defines “documentary proof of United States citizenship” in the NVRA to require both verification of identity and citizenship.*

- Certain documents satisfy both the documentary proof of citizenship *and* identity requirements:
  - A form of identification issued consistent with the requirements of the REAL ID Act of 2005 that indicates the applicant is a citizen of the United States;
  - A valid United States passport;
  - A military identification card together with a United States military record of service showing the applicant’s birthplace is in the United States;
  - A valid government-issued photo identification card issued by a Federal, State or Tribal government showing that the applicant’s place of birth was in the United States.
  
- In the event an applicant does not have any of the above, they must provide a government-issued photo ID in addition to one of the following:
  - A certified birth certificate issued by a State, a unit of local government in a State, or a Tribal government that meets certain criteria;
  - An extract from a United States hospital Record of Birth created at the time of the applicant's birth which indicates that the applicant’s place of birth was in the United States;
  - A final adoption decree showing the applicant’s name and that the applicant’s place of birth was in the United States;
  - A Consular Report of Birth Abroad of a United States citizen or a certification of the applicant’s Report of Birth of a United States citizen issued by the Secretary of State;
  - A Naturalization Certificate or Certificate of Citizenship issued by the Secretary of Homeland Security or any other document or method of proof of United States citizenship issued by the Federal government pursuant to the Immigration and Nationality Act;
  - An American Indian Card issued by the Department of Homeland Security with the classification ‘KIC’.

**(b) Amends National Procedures For Voter Registration For Elections For Federal Office.** *Amends the national procedures in the NVRA to clarify that States may not register an individual to vote in an election for Federal office under any method unless the applicant provides documentary proof of United States citizenship.*

**(c) Registration With Application For Motor Vehicle Driver’s License.** *Clarifies that DMVs must obtain documentary proof of United States citizenship to register an individual to vote in an election for Federal office.*

- Clarifies on the DMV form that if an individual does register to vote, the form can be used as evidence in criminal proceedings or immigration proceedings if an individual knowingly registers to vote but is ineligible to do so.

**(d) Requiring Documentary Proof Of United States Citizenship With National Mail Voter Registration Form.** *Requires individuals that elect to register to vote in an election for Federal office by mail to produce documentary proof of citizenship in person for their registration to take effect.*

- If an individual registers to vote by mail, that individual will not be considered as having registered to vote until they present documentary proof of citizenship to the proper State election official *in-person* by the date prescribed by the State (applicants will be notified of this requirement).
  - If a State allows election day registration, an applicant registering to vote must present documentary proof of citizenship at that time.
  - Requires States to make reasonable accommodations for individuals with disabilities that register to vote by mail to satisfy the documentary proof of citizenship requirement.
- Requires States to take the steps necessary to inform residents of the documentary proof of citizenship requirement.

**(e) Requirements For Voter Registration Agencies.** *Clarifies that the documentary proof of citizenship requirement applies to applicants that register to vote in an election for Federal office at “voter registration agencies” (like welfare offices).*

- Clarifies receipt of documentary proof of citizenship is a service voter registration agencies must provide.
- Requires agency officials to inquire about citizenship status before providing a voter registration form to an applicant.

**(f) Requirements With Respect To Administration Of Voter Registration.** *Updates State requirements for Federal election voter registration to include obtaining documentary proof of citizenship.*

- Prohibits States from registering – by any method – any individual to vote in an election for Federal office unless the individual provides documentary proof of citizenship.
- Directs States to establish a process to register United States citizens to vote in Federal elections that do not have the documentary proof of citizenship necessary to register to vote under this act (due to religious reasons or otherwise).
  - In such a case, the applicant would be required to provide additional evidence supporting their citizenship status and sign an attestation that they are a United States citizen under penalty of perjury.

- Further, the election official making the determination in this process would be required to sign an affidavit – developed by the Election Assistance Commission (EAC) – that the applicant has satisfied the minimum standards (set by the EAC) to confirm they are a United States citizen, despite not having the documentary proof required by this act.
  - Directs States to establish a process, subject to EAC guidance, for individuals to register to vote if there are discrepancies in their proof of citizenship documents (i.e. if the name on an individual’s ID and birth certificate do not match due to a name change).
  - Requires States to take ongoing steps to ensure that only United States citizens are registered to vote on their existing voter rolls by creating a program to do so within 30 days of enactment.
    - Empowers States to do this by providing prompt, no-cost access to the Department of Homeland Security (DHS) SAVE System, the Social Security Number Verification Service, and other databases.
    - Also directs DHS to determine whether to conduct removal proceedings if a non-citizen has been identified as having registered to vote in Federal elections.
  - Directs States to remove any non-citizen identified as having registered to vote for Federal office from their voter rolls.

**(g) Clarification Of Authority Of States To Remove Noncitizens From Official List Of Eligible Voters.** *Amends the NVRA to clarify States have the authority to remove non-citizens from their voter rolls by amending the statute governing the practice.*

**(h) Contents Of Federal Mail Voter Registration Form.** *Makes updates to the Federal Mail Voter Registration Form to reflect the amendments made by this bill.*

- Requires the federal form to include an explanation of the documentary proof of citizenship requirement to register to vote in Federal elections.
- Updates the form to include a section for use by the State or local election official to record the type of documentary proof of citizenship provided by the individual to register to vote.
- Clarifies on the form that if an individual does register to vote, the form can be used as evidence in criminal proceedings or immigration proceedings if an individual knowingly registers to vote but is ineligible to do so.

**(i) Private Right Of Action.** *Amends the existing private right of action in the NVRA to clarify a citizen can bring a civil suit against an election official that registers an applicant to vote in a Federal election who fails to provide documentary proof of citizenship.*

**(j) Criminal Penalties.** *Amends the criminal penalties section of the NVRA to include registering an applicant to vote in an election for Federal office who fails to provide documentary proof of citizenship.*

- Individuals found guilty are fined in accordance with title 18, or imprisoned not more than 5 years, or both.

**(k) Applicability Of Requirements to Certain States.** *Clarifies that the six States currently exempt from the NVRA are not exempt from the documentary proof of citizenship requirement under this bill (it does not subject those States to the other provisions of the NVRA, however).*

**(l) Effective Date.** *The amendments made by this act shall take effect on the date of enactment.*

**SEC. 3. Election Assistance Commission Guidance.** *Requires the EAC to adopt and transmit to the States any guidance necessary to implementing the act within 10 days of the bill's enactment.*

**SEC. 4. Inapplicability Of Paperwork Reduction Act.** *Exempts any updates to federal forms or new federal forms required under Sec. 2 from the Paperwork Reduction Act to ensure timely updates to and development of such forms.*